

## **20.25E.070 Specific Use Regulations**

- A. Purpose.** This section contains requirements and standards that apply to specific uses and development in the Shoreline Overlay District. These requirements and standards are in addition to the procedures, permit requirements, and standards set forth in other sections of the Bellevue SMP.

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### **D. Transportation.**

1. **Applicability.** This paragraph D applies to transportation uses and development identified in the Transportation and Utility Use Chart in LUC 20.25E.030 and located in the Shoreline Overlay District in addition to the provisions of Chapter 14.60 BCC (Transportation Development Code), Chapter 14.30 BCC (Right-of-Way Use Code); and Chapter 14.25 BCC (Vacation of Public Right-of-Way).
2. **General Requirements Applicable to all Transportation Uses and Development.**
  - a. **Routine Maintenance and Repair.** Routine maintenance and repair associated with existing transportation facilities and public rights-of-way is allowed. "Routine Maintenance" includes those usual acts to prevent decline, lapse, or cessation of the existing transportation facility or right-of-way. "Routine Repair" includes in-kind restoration to a state comparable to its original conditional within a reasonable period after decay has occurred. For the purpose of this section, repair and maintenance of developed rights-of-way includes removing and replacing improvements within the area of permanent disturbance and expansion of paved areas, provided the area of permanent disturbance outside the developed right-of-way is not expanded. Improvements meeting the definition of a minor expansion or a new transportation facility are not considered maintenance or repair.
  - b. **Minor Expansion.** Minor expansion of existing transportation facilities is allowed. "Minor expansion" includes enlargement of the permanent disturbance associated with the transportation facility to the edge of the unimproved right-of-way or existing corridor provided the area of permanent disturbance does not impact critical areas and critical area buffers and shoreline ecological functions are not adversely affected. Improvements not meeting the definition of routine maintenance and repair or of minor expansions shall be processed as new and expanded transportation facilities.
  - c. **Transportation facilities must be located and designed to minimize negative aesthetic impacts upon shoreline areas and to avoid and minimize impacts to existing land uses, public shoreline views, public access, and the natural environment.**

- d. Transportation and utility facilities shall be required to the greatest extent feasible to make joint use of rights-of-way, and to consolidate crossings of water bodies to minimize adverse impacts to the shoreline.
- e. Transportation facilities located in the shoreline jurisdiction shall be designed and maintained to prevent erosion and to permit the natural movement of surface water.
- f. Clearing of vegetation within areas of permanent disturbance associated with transportation uses and development shall be the minimum necessary for infrastructure maintenance and public safety. The City shall give preference to mechanical means rather than the use of herbicides for the clearing of vegetation in the shoreline jurisdiction.

### 3. New and Expanded Transportation Uses and Development.

- a. Permit Required. New and expanded transportation uses and development are permitted in the shoreline jurisdiction pursuant to the process identified in LUC 20.25E.030 (Shoreline Use Charts) and subject to showing that there is no technically feasible alternative with less impact on shoreline ecological functions, where required. (Refer to LUC 20.25E.060.C)
- b. General Performance Standards applicable to all Transportation Uses and Development. All new or expanded transportation uses or development shall comply with the following general performance standards in addition to the general requirements contained in paragraph D.2 of this section and use and development-specific performance standards in paragraphs D.3.c through D.3.i of this section. Where critical areas are involved, the performance standards in this paragraph are in addition to those contained in LUC 20.25H.055.C.2.b (Critical Areas Overlay District).
  - i. Where required pursuant to LUC 20.25E.030 Transportation and Utilities Chart Note (2), an applicant shall demonstrate that no technically feasible alignment or location alternative with less impact exists for the proposed transportation use or development pursuant to the requirements contained in 20.25E.060.D. Transportation development that provides access to approved shoreline uses is not required to demonstrate that no technically feasible alternative exists.
  - ii. New or expanded transportation uses and development should be designed to minimize impacts to shoreline ecological functions. To minimize impacts, the design should locate facilities outside of critical areas and their buffers, aquatic areas and the shoreline setback, and habitat used by salmonids or by any species of local importance, except where no technically feasible alternative exists;
  - iii. Disturbance of shoreline features, including vegetation and soils, shall be minimized;
  - iv. Transportation uses and development within shoreline jurisdiction shall be designed with the minimum permanent disturbance feasible, and

walls and other design techniques shall be employed to minimize the impact on shoreline ecological functions;

- v. Transportation uses and development shall be designed to provide frequent safe crossings for pedestrians and bicycles seeking access to public portions of the shoreline;
  - vi. Low impact development techniques should be used where feasible for transportation uses and development and related drainage system construction;
  - vii. Transportation uses and development shall be designed to fit the topography so that alterations to the natural site conditions will be minimized; and,
  - viii. Vegetation and trees installed in association with new and expanded transportation uses or development shall be selected and located so that they enhance public views of the water from the use or development to the maximum extent feasible.
- c. Highway and Street Rights-of-Way. The following use-specific performance standards apply in addition to the general performance standards contained in paragraph D.3.b of this section.
- i. New and expanded highway and street rights-of-way shall be designed to include public access amenities, such as benches or viewing areas and public sign systems, if an area is available for the improvement(s) and if there is a view or public access to the water from the area pursuant to the requirements contained in LUC 20.25E.060.I;
  - ii. New or expanded shoreline street ends shall incorporate public access or other public recreational opportunities consistent with the requirements contained in LUC 20.25E.060.I (Public Access); and,
  - iii. Shoreline street ends shall not be vacated, except in compliance with RCW 35.79.035, now or hereafter amended, and Chapter 14.35 BCC (Vacation of Public Right-of-Way).
- d. Railroads. The following use-specific performance standards apply in addition to the general performance standards contained in paragraph .3.b of this section.
- i. New railroad tracks shall be permitted in the shoreline jurisdiction only if necessary to serve lots in the shoreline jurisdiction;
  - ii. Where possible, new railroads in the shoreline jurisdiction shall use existing highway or rail corridors;
  - iii. Existing railroad tracks may be expanded within existing rail corridor; and,
  - iv. All railroads shall provide means for the public to overcome the physical barrier created by the railroad and gain access to the shoreline.

- e. Pedestrian and Bicycle Facilities. Refer to LUC 20.25E.070.C.3.i (Specific Use Regulations – Recreation for performance standards applicable to standalone pedestrian and bicycle facilities that are not associated with street rights-of-way.
- f. Bridges and Culverts Associated with Transportation Uses and Development. The following development-specific performance standards apply in addition to the general performance standards contained in paragraph D.3.b of this section.
  - i. New and expanded bridges shall be designed to be the minimum necessary to support the intended use or development
  - ii. New and expanded bridges and culverts shall be designed consistent with applicable performance standards contained in 20.25H.055C (Critical Areas Overlay District);
  - iii. New and expanded bridges, excluding bridges associated with pedestrian and bicycle uses, shall include pedestrian amenities, such as benches or viewing areas and public sign systems, if an area is available for the improvement(s) and if there is a view or public access to the water from the area pursuant to the requirements contained in LUC 20.25E.060.I; and,
  - iv. New or expanded bridges for pedestrian and bicycle uses shall comply with the recreational trail standards contained in LUC 20.25E.070.C.3.i.

g. Regional Light Rail ~~Transit Facility or System~~. ~~Alignment: Bridges, Stations, and Associated Structures~~ ~~[To Be Determined]~~. As used in this subsection, ~~Regional Light Rail Transit Facility or System~~ refers to a specific type of essential public facility that is defined in the Light Rail Transit Overlay at LUC 20.25M.020.D and E. All new or expanded structures and improvements associated with this use are allowed as provided in the Transportation and Utilities Chart at LUC 20.25E.030 subject to compliance with the provisions of this subsection.

i. General. Pursuant to LUC 20.25M.010.D.1.d, the provisions of this Part 20.25E LUC (Shoreline Overlay District), apply except as modified by this subsection.

ii. No Technically Feasible Alternative – Determined Based on Use Approval Process.

(1) Use Approved through Development Agreement. A Regional Transit Authority is not required to demonstrate that there is no other technically feasible alignment or location alternative with less impact for any RLRT facility; provided, that the alignment location

and profile of the RLRT system or facility use has been approved by the City Council pursuant to an adopted resolution or ordinance, or by a development agreement consistent with the terms of LUC 20.25M.030.B.1. The following standards shall constitute the exclusive transportation use regulations applicable to Regional Light Rail Transit facilities and systems that are approved by the City Council pursuant to an adopted resolution or ordinance, or by a development agreement:

- (a) General Requirements contained at LUC 20.25E.070.D.2.a. and b. governing routine maintenance, repair and minor expansions to regional light rail transit facilities and systems.
- (b) New and expanded regional light rail transit facilities and systems shall comply with the terms of [subparagraphs a. through e. of LUC 20.25E.060.C.2.](#)
- (c) New and expanded bridges associated with a light rail transit facility or system shall be designed to be the minimum necessary to support the intended use or development.
- (d) New and expanded bridges and culverts shall be designed consistent with applicable performance standards contained in [20.25H.055.C.3.e](#) (Critical Areas Overlay District).

- (2) Use Approved through a [Shoreline](#) Conditional Use Permit. When an RLRT system or facility use has not been permitted outright in a City Council resolution or ordinance or by a development agreement and requires approval of a Conditional Use Permit pursuant to LUC 20.25M.030.B.2, the Regional Transit Authority shall demonstrate that no technically feasible alignment or location alternative with less impact [to shoreline functions and values](#) exists as required by the terms of LUC 20.25E.060.C (Technical Feasibility Analysis), and [shall](#) comply with all applicable performance standards of Part 20.25E LUC.

g.h. Commercial Float Plane Terminals.

i. General.

(1) Helipads. Overwater helipads are prohibited in the shoreline jurisdiction.

(2) Private Float Plane Use. Departures and landings of private float planes are not regulated under the Bellevue SMP. Moorage of private float planes must comply with the provisions contained in LUC 20.25E.080.F (Non-Residential Moorage).

ii. Performance Standards. The following use-specific performance standards apply in addition to the general performance standards contained in paragraph D.3.b of this section, when siting, designing, and operating commercial float plane landing and moorage facilities.

(1) The use shall be compatible with surrounding uses;

(2) Taxiing patterns to be used by float planes shall minimize noise impacts on area residents and wildlife, and minimize interference with navigation and moorage; and

(3) Float plane facilities and services shall comply with all applicable Bellevue codes, Federal Aviation Administration standards and requirements for fuel, oil spills, safety and firefighting equipment, noise, and pedestrian and swimming area separation, and applicable U.S. Army Corps of Engineers requirements.

h.i. Ferry Terminals.

i. Performance Standards. The following use-specific performance standards apply in addition to the general performance standards contained in paragraph D.3.b of this section, when siting, designing, and operating ferry terminals.

(1) Ferry terminals shall be designed and located to minimize impacts to surrounding uses when constructing and operating the use;

(2) Associated structures supporting the ferry terminal, other than moorage for the ferry terminal, are prohibited over water;

(3) Equipment shall be stored within an enclosed structure;

(4) Facilities, equipment, and established procedures for the containment, recovery, and mitigation of spilled petroleum or hazardous materials shall be provided; and

(5) The City will make the determination if any parking and/or a passenger loading area will be required.

4. Maintenance, Repair and Minor Expansions.

- a. Permit Required. Maintenance, repair and minor expansion activities are allowed subject to the permit requirements of LUC 20.25E.160 (Shoreline Substantial Development Permits).
- b. Performance Standard. The applicant shall comply with the following performance standard in addition to the general requirements contained in paragraphs D.2 and D.3 of this section.
  - i. Maintenance, repair, and minor expansion activities shall be undertaken in a manner that would not preclude shoreline public access, consistent with the requirements contained in LUC 20.25E.060.I (Public Access).
  - ii. The nonconforming shoreline conditions provisions of LUC 20.25E.040 do not apply.